THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.3313 of 2007

Dated: 26.11.2007

Between

Gudelli Ravi, S/o.Sri Ramulu

…Petitioners

And

The Station House Officer,
Jeelugumilli (M) West Godavari District and two others.

…Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.3313 of 2007

ORDER:

In this writ petition, the petitioner seeks direction by way of *mandamus* declaring the action of respondents 1 and 2 in failing to investigate into Crime No.90/2006 on the file of Jeelugumilli Police Station, which was registered on the complaint filed by the petitioner, as arbitrary and illegal.

On 10.10.2006, the petitioner has filed a complaint before the Jeelugumilli police station complaining that on 05-10-2006 evening while he was proceeding along with his friend by name Dasari Mohan Rao, the third respondent abused him by mentioning his caste and also beat him in public place. The complaint was registered as Crime No.90/2006 for the offences under Sections 323 and 506(2) I.P.C and Sections 3(1)(x) of SC & ST (Prevention of Atrocities) Act, 1989. The grievance of the petitioner is that the police are not investigating into the said crime.

A counter-affidavit is filed by the Assistant Sub Inspector of Police, Jeelugumilli Police Station, West Godavari District. In the said counter-affidavit, it is stated that pursuant to the complaint, dated 10.10.2006, a case was registered and as many as 10 witnesses were examined and their statements were also recorded. It is also stated that except the complainant, the rest of the witnesses did not say anything about the commission of the offence. It is further stated that the wife of the accused in Crime No.90/2006 had lodged a complaint against Mr.Kodali Srinivasa Rao alias Chinnababu, who is the friend of the petitioner, and the same was registered as Crime No.192/2004 on the file of the

Jangareddygudem Police Station and the same was numbered as Sessions Case No.74 of 2006 on the file of the Assistant Sessions Judge at Kovvur. It is further stated that investigation in Crime No.90/2006 revealed that the petitioner lodged the complaint, against the third respondent, who is the husband of the complainant in Crime

No.192 of 2004, at the behest of his friend,

Sri Kodali Srinivasa Rao.

No reply-affidavit has been filed by the petitioner denying the allegations made in the counter-affidavit.

Since it is stated in the counter-affidavit that statements of the witnesses were recorded, it cannot be said that no investigation is made pursuant to the complaint of the petitioner. It is also stated in the counter-affidavit that investigation is well done and the complaint of the petitioner reveals to be a false one.

As such, no directions can be given in this writ petition. The writ petition is devoid of merits and the same is accordingly dismissed. No costs.

_____

R.SUBHASH REDDY,J

Date: 26.11.2007

va